AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 1745

OFFERED BY MR. CAMP OF MICHIGAN

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

- 2 (a) SHORT TITLE.—This Act may be cited as the
- 3 "Jobs, Opportunity, Benefits, and Services Act of 2011"
- 4 or the "JOBS Act of 2011".
- 5 (b) Table of Contents of
- 6 this Act is as follows:
 - Sec. 1. Short title; table of contents.

TITLE I—REFORMS OF UNEMPLOYMENT COMPENSATION TO PROMOTE WORK AND JOB CREATION

- Sec. 101. Consistent job search requirements.
- Sec. 102. Participation in reemployment services made a condition of benefit receipt.
- Sec. 103. State flexibility to promote the reemployment of unemployed workers.
- Sec. 104. Repeal of regulation requiring higher State taxes.
- Sec. 105. Restore State flexibility to improve unemployment program solvency.
- Sec. 106. Data standardization for improved data matching.
- Sec. 107. Technical and conforming amendments.

TITLE II—FORWARD FUNDING OF REMAINING FEDERAL UNEMPLOYMENT COMPENSATION FUNDS

- Sec. 201. Special transfers to all States.
- Sec. 202. Emergency unemployment compensation transition rules.
- Sec. 203. Extended benefits program transition rules.
- Sec. 204. Emergency designation.

1	TITLE I—REFORMS OF UNEM-
2	PLOYMENT COMPENSATION
3	TO PROMOTE WORK AND JOB
4	CREATION
5	SEC. 101. CONSISTENT JOB SEARCH REQUIREMENTS.
6	(a) In General.—Section 303(a) of the Social Secu-
7	rity Act is amended by adding at the end the following:
8	"(11)(A) A requirement that, as a condition of
9	eligibility for regular compensation for any week, a
10	claimant must be able to work, available to work,
11	and actively seeking work.
12	"(B) For purposes of this paragraph, the term
13	'actively seeking work' means, with respect to any
14	individual, that such individual is actively engaged in
15	a systematic and sustained effort to obtain work, as
16	determined based on evidence (whether in electronic
17	format or otherwise) satisfactory to the State agency
18	charged with the administration of the State law.
19	"(C) The specific requirements that must be
20	met in order to satisfy this paragraph shall be estab-
21	lished by the State agency, and shall include at least
22	the following:
23	"(i) Registration for employment services
24	within 14 days after making initial application
25	for regular compensation.

1	"(ii) Posting a resume, record, or other ap-
2	plication for employment on such database as
3	the State agency may require.
4	"(iii) Applying, in such manner as the
5	State agency may require, for work which is
6	similar to that previously performed by the indi-
7	vidual, and which offers wages comparable to
8	wages for similar work in the local labor market
9	in which the individual resides or is actively
10	seeking work.".
11	(b) Effective Date.—The amendment made by
12	subsection (a) shall apply to weeks beginning after the end
13	of the first session of the State legislature which begins
14	after the date of enactment of this Act.
	after the date of enactment of this Act. SEC. 102. PARTICIPATION IN REEMPLOYMENT SERVICES
15	
15 16	SEC. 102. PARTICIPATION IN REEMPLOYMENT SERVICES
15 16 17	SEC. 102. PARTICIPATION IN REEMPLOYMENT SERVICES MADE A CONDITION OF BENEFIT RECEIPT.
15 16 17 18	SEC. 102. PARTICIPATION IN REEMPLOYMENT SERVICES MADE A CONDITION OF BENEFIT RECEIPT. (a) Social Security Act.—Paragraph (10) of sec-
15 16 17 18 19	SEC. 102. PARTICIPATION IN REEMPLOYMENT SERVICES MADE A CONDITION OF BENEFIT RECEIPT. (a) Social Security Act.—Paragraph (10) of section 303(a) of the Social Security Act is amended to read
15 16 17 18 19 20	SEC. 102. PARTICIPATION IN REEMPLOYMENT SERVICES MADE A CONDITION OF BENEFIT RECEIPT. (a) Social Security Act.—Paragraph (10) of section 303(a) of the Social Security Act is amended to read as follows:
15 16 17 18 19 20 21	SEC. 102. PARTICIPATION IN REEMPLOYMENT SERVICES MADE A CONDITION OF BENEFIT RECEIPT. (a) Social Security Act.—Paragraph (10) of section 303(a) of the Social Security Act is amended to read as follows: "(10)(A) A requirement that, as a condition of
14 15 16 17 18 19 20 21 22 23	SEC. 102. PARTICIPATION IN REEMPLOYMENT SERVICES MADE A CONDITION OF BENEFIT RECEIPT. (a) Social Security Act.—Paragraph (10) of section 303(a) of the Social Security Act is amended to read as follows: "(10)(A) A requirement that, as a condition of eligibility for regular compensation for any week—

1	"(ii) any claimant who has been referred to
2	reemployment services shall participate in such
3	services.
4	"(B) For purposes of this paragraph, an indi-
5	vidual shall not be considered to have met the min-
6	imum educational requirements of this subparagraph
7	unless such individual—
8	"(i) has earned a high school diploma;
9	"(ii) has earned the General Educational
10	Development (GED) credential or other State-
11	recognized equivalent (including by meeting rec-
12	ognized alternative standards for individuals
13	with disabilities); or
14	"(iii) is enrolled and making satisfactory
15	progress in classes leading to satisfaction of
16	clause (ii).
17	"(C) The requirements of subparagraph (B)
18	may be waived for an individual to the extent that
19	the State agency charged with the administration of
20	the State law deems such requirements to be unduly
21	burdensome in the case of such individual.".
22	(b) Internal Revenue Code of 1986.—Para-
23	graph (8) of section 3304(a) of the Internal Revenue Code
24	of 1986 is amended to read as follows:

1	"(8) compensation shall not be denied to an in-
2	dividual for any week in which the individual is en-
3	rolled and making satisfactory progress in education
4	or training which has been previously approved by
5	the State agency;".
6	(c) Effective Date.—The amendments made by
7	this section shall apply to weeks beginning after the end
8	of the first session of the State legislature which begins
9	after the date of enactment of this Act.
10	SEC. 103. STATE FLEXIBILITY TO PROMOTE THE REEM-
11	PLOYMENT OF UNEMPLOYED WORKERS.
12	Title III of the Social Security Act (42 U.S.C. 501
13	and following) is amended by adding at the end the fol-
14	lowing:
15	"DEMONSTRATION PROJECTS
16	"Sec. 305. (a) The Secretary of Labor may enter
17	into agreements, with States submitting an application de-
18	scribed in subsection (b), for the purpose of allowing such
19	States to conduct demonstration projects to test and
20	evaluate measures designed—
21	"(1) to expedite the reemployment of individ-
22	uals who establish initial eligibility for unemploy-
23	ment compensation under the State law of such
24	State: or

1	"(2) to improve the effectiveness of a State in
2	carrying out its State law with respect to reemploy-
3	ment.
4	"(b) The Governor of any State desiring to conduct
5	a demonstration project under this section shall submit
6	an application to the Secretary of Labor. Any such appli-
7	cation shall, at a minimum, include—
8	"(1) a general description of the proposed dem-
9	onstration project, including the authority (under
10	the laws of the State) for the measures to be tested,
11	as well as the period of time during which such dem-
12	onstration project would be conducted;
13	"(2) if a waiver under subsection (c) is re-
14	quested, the specific aspects of the project to which
15	the waiver would apply and the reasons why such
16	waiver is needed;
17	"(3) a description of the goals and the expected
18	programmatic outcomes of the demonstration
19	project, including how the project would contribute
20	to the objective described in subsection (a)(1), sub-
21	section (a)(2), or both;
22	"(4) assurances (accompanied by supporting
23	analysis) that the demonstration project would not
24	result in any increased net costs to the State's ac-
25	count in the Unemployment Trust Fund:

1	"(5) a description of the manner in which the
2	State—
3	"(A) will conduct an impact evaluation,
4	using a control or comparison group or other
5	valid methodology, of the demonstration project;
6	and
7	"(B) will determine the extent to which the
8	goals and outcomes described in paragraph (3)
9	were achieved; and
10	"(6) assurances that the State will provide any
11	reports relating to the demonstration project, after
12	its approval, as the Secretary of Labor may require.
13	"(c) The Secretary of Labor may waive any of the
14	requirements of section 3304(a)(4) of the Internal Rev-
15	enue Code of 1986 or of paragraph (1) or (5) of section
16	303(a), to the extent and for the period the Secretary of
17	Labor considers necessary to enable the State to carry out
18	a demonstration project under this section.
19	"(d) A demonstration project under this section—
20	"(1) may be commenced any time after the date
21	of enactment of this section; and
22	"(2) may not be approved for a period of time
23	greater than 3 years, subject to extension upon re-
24	quest of the Governor of the State involved for such
25	additional period as the Secretary of Labor may

1	agree to, except that in no event may a demonstra-
2	tion project under this section be conducted after
3	the end of the 5-year period beginning on the date
4	of enactment of this section.
5	"(e) The Secretary of Labor shall, in the case of any
6	State for which an application is submitted under sub-
7	section (b)—
8	"(1) notify the State as to whether such appli-
9	cation has been approved or denied within 30 days
10	after receipt of a complete application; and
11	"(2) provide public notice of the decision within
12	10 days after providing notification to the State in
13	accordance with paragraph (1).
14	Public notice under paragraph (2) may be provided
15	through the Internet or other appropriate means. Any ap-
16	plication under this section that has not been denied with-
17	in such 30 days shall be deemed approved, and public no-
18	tice of any approval under this sentence shall be provided
19	within 10 days thereafter.
20	"(f) The Secretary of Labor may terminate a dem-
21	onstration project under this section if the Secretary
22	makes a final determination that the State has violated
23	the substantive terms or conditions of the project.".

1	SEC. 104. REPEAL OF REGULATION REQUIRING HIGHER
2	STATE TAXES.
3	(a) In General.—Section 1202(b)(2) of the Social
4	Security Act is amended—
5	(1) in subparagraph (A), by inserting "and" at
6	the end;
7	(2) in subparagraph (B), by striking ", and"
8	and inserting a period; and
9	(3) by striking subparagraph (C).
10	(b) Effective Date.—The amendments made by
11	subsection (a) shall take effect as of the date of enactment
12	of this Act.
13	SEC. 105. RESTORE STATE FLEXIBILITY TO IMPROVE UN-
13 14	SEC. 105. RESTORE STATE FLEXIBILITY TO IMPROVE UNEMPLOYMENT PROGRAM SOLVENCY.
14	EMPLOYMENT PROGRAM SOLVENCY.
14 15	EMPLOYMENT PROGRAM SOLVENCY. (a) IN GENERAL.—Subsection (g) of section 4001 of the Supplemental Appropriations Act, 2008 (Public Law
14 15 16	EMPLOYMENT PROGRAM SOLVENCY. (a) IN GENERAL.—Subsection (g) of section 4001 of the Supplemental Appropriations Act, 2008 (Public Law
14151617	EMPLOYMENT PROGRAM SOLVENCY. (a) IN GENERAL.—Subsection (g) of section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is repealed.
14 15 16 17 18	EMPLOYMENT PROGRAM SOLVENCY. (a) IN GENERAL.—Subsection (g) of section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is repealed. (b) Effective Date.—The amendment made by
14 15 16 17 18 19	EMPLOYMENT PROGRAM SOLVENCY. (a) IN GENERAL.—Subsection (g) of section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is repealed. (b) Effective Date.—The amendment made by subsection (a) shall take effect as of the date of enactment
14 15 16 17 18 19 20	EMPLOYMENT PROGRAM SOLVENCY. (a) IN GENERAL.—Subsection (g) of section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is repealed. (b) Effective Date.—The amendment made by subsection (a) shall take effect as of the date of enactment of this Act.
14 15 16 17 18 19 20 21	EMPLOYMENT PROGRAM SOLVENCY. (a) In General.—Subsection (g) of section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is repealed. (b) Effective Date.—The amendment made by subsection (a) shall take effect as of the date of enactment of this Act. SEC. 106. DATA STANDARDIZATION FOR IMPROVED DATA

1	"DATA STANDARDIZATION FOR IMPROVED DATA
2	MATCHING
3	"Standard Data Elements
4	"Sec. 911. (a)(1) The Secretary of Labor, in con-
5	sultation with an interagency work group established by
6	the Office of Management and Budget, and considering
7	State perspectives, shall, by rule, designate standard data
8	elements for any category of information required under
9	title III or this title.
10	"(2) The standard data elements designated under
11	paragraph (1) shall, to the extent practicable, be non-
12	proprietary and interoperable.
13	"(3) In designating standard data elements under
14	this subsection, the Secretary of Labor shall, to the extent
15	practicable, incorporate—
16	"(A) interoperable standards developed and
17	maintained by an international voluntary consensus
18	standards body, as defined by the Office of Manage-
19	ment and Budget, such as the International Organi-
20	zation for Standardization;
21	"(B) interoperable standards developed and
22	maintained by intergovernmental partnerships, such
23	as the National Information Exchange Model; and
24	"(C) interoperable standards developed and
25	maintained by Federal entities with authority over

1	contracting and financial assistance, such as the
2	Federal Acquisition Regulations Council.
3	"Data Standards for Reporting
4	"(b)(1) The Secretary of Labor, in consultation with
5	an interagency work group established by the Office of
6	Management and Budget, and considering State govern-
7	ment perspectives, shall, by rule, designate data reporting
8	standards to govern the reporting required under title III
9	or this title.
10	"(2) The data reporting standards required by para-
11	graph (1) shall, to the extent practicable—
12	"(A) incorporate a widely-accepted, non-propri-
13	etary, searchable, computer-readable format;
14	"(B) be consistent with and implement applica-
15	ble accounting principles; and
16	"(C) be capable of being continually upgraded
17	as necessary.
18	"(3) In designating reporting standards under this
19	subsection, the Secretary of Labor shall, to the extent
20	practicable, incorporate existing nonproprietary standards,
21	such as the eXtensible Business Reporting Language.".
22	(b) Effective Date.—The amendment made by
23	this section shall apply after September 30, 2012.

1 SEC. 107. TECHNICAL AND CONFORMING AMENDMENTS.

- 2 (a) Use of Unemployment Compensation To
- 3 Repay Overpayments.—Section 3304(a)(4)(D) of the
- 4 Internal Revenue Code of 1986 and section 303(g)(1) of
- 5 the Social Security Act are amended by striking "may"
- 6 and inserting "shall".
- 7 (b) Effective Date.—The amendment made by
- 8 subsection (a) shall apply to weeks beginning after the end
- 9 of the first session of the State legislature which begins
- 10 after the date of enactment of this Act.

11 TITLE II—FORWARD FUNDING

- OF REMAINING FEDERAL UN-
- 13 EMPLOYMENT COMPENSA-
- 14 TION FUNDS
- 15 SEC. 201. SPECIAL TRANSFERS TO ALL STATES.
- 16 (a) Special Transfers in Fiscal Years 2011
- 17 AND 2012.—Section 903 of the Social Security Act is
- 18 amended by adding at the end the following:
- 19 "Special Transfers in Fiscal Years 2011 and 2012
- 20 "(h)(1) The Secretary of the Treasury shall transfer
- 21 (as of the dates determined under paragraph (4)) from
- 22 the extended unemployment compensation account to the
- 23 account of each State in the Unemployment Trust Fund
- 24 the amount determined with respect to such State under
- 25 paragraph (2).

1	"(2)(A) The amount to be transferred to a State
2	under this subsection in any fiscal year is the amount de-
3	rived by multiplying the applicable total dollar amount for
4	such fiscal year by the applicable fraction for such State.
5	"(B) For purposes of subparagraph (A), the applica-
6	ble total dollar amount is—
7	"(i) for fiscal year 2011, \$12,800,000,000; and
8	"(ii) for fiscal year 2012, \$18,200,000,000.
9	"(C) For purposes of subparagraph (A), the applica-
10	ble fraction for a State is a fraction—
11	"(i) the numerator of which is the total amount
12	of extended compensation and emergency unemploy-
13	ment compensation paid out by such State for weeks
14	beginning in the 12-month period described in clause
15	(ii); and
16	"(ii) the denominator of which is the total
17	amount of extended compensation and emergency
18	unemployment compensation paid out by all States
19	for weeks beginning in the most recent 12-month pe-
20	riod for which that information is available for all
21	States as of May 1, 2011.
22	"(3)(A) Except as provided in subparagraph (B),
23	amounts transferred to a State account pursuant to this
24	subsection shall be used only in the payment of extended
25	compensation and emergency unemployment compensa-

1	tion, in accordance with applicable provisions of Federal
2	and State law (including agreements and implementing
3	regulations) as in effect on May 1, 2011.
4	"(B) A State may, pursuant to specific legislation en-
5	acted by the legislative body of the State after the date
6	of enactment of the JOBS Act of 2011, use money trans-
7	ferred to the State account of such State under this sub-
8	section for (i) the payment of unemployment compensa-
9	tion, (ii) the repayment of advances made to such State
10	under section 1201 (including interest thereon), and (iii)
11	reemployment services designed to enhance the rapid re-
12	employment of unemployed workers (such as mandatory
13	workshops, claimant assessments, resume preparation and
14	job search assistance, wage subsidy programs, eligibility
15	reviews, labor market information, development of a work-
16	search plan, and training), if and only if—
17	"(I) the purposes and amounts are specified in
18	the law;
19	(Π) the money is withdrawn and expended, for
20	the purpose described in clause (i), (ii), or (iii) (as
21	the case may be), after the date of enactment of the
22	law; and
23	"(III) the use of the money is accounted for in
24	accordance with standards established by the Sec-
25	retary of Labor.

1	"(4) Transfers under this subsection shall—
2	"(A) to the extent that they relate to the
3	amount set forth in paragraph (2)(B)(i), be made
4	within 10 days after the date of enactment of this
5	subsection; and
6	"(B) to the extent that they relate to the
7	amount set forth in paragraph (2)(B)(ii), be made
8	after September 30, 2011, and on or before October
9	10, 2011.".
10	(b) Rule of Construction.—Nothing in section
11	903(b) of the Social Security Act shall be considered to
12	apply with respect to any transfer under section 903(h)
13	of such Act (as amended by this section).
14	(c) REGULATIONS.—The Secretary of Labor may
15	prescribe any operating instructions or regulations nec-
16	essary to carry out this section and the amendment made
17	by this section.
18	SEC. 202. EMERGENCY UNEMPLOYMENT COMPENSATION
19	TRANSITION RULES.
20	(a) Repeal.—Section 4003 of the Supplemental Ap-
21	propriations Act, 2008 is repealed.
22	(b) Financing.—Section 4004(e)(1) of the Supple-
23	mental Appropriations Act, 2008 is amended—
24	(1) in subparagraph (F), by striking "and"
25	after the semicolon; and

1	(2) by adding after subparagraph (G) the fol-
2	lowing:
3	"(H) the amendment made by section 201
4	of the Jobs, Opportunity, Benefits, and Services
5	Act of 2011; and".
6	(c) Effective Date of Repeal.—
7	(1) In general.—The amendment made by
8	subsection (a) shall be effective with respect to
9	weeks ending after July 6, 2011.
10	(2) Rule of Construction.—Nothing in this
11	subsection shall be considered to affect the
12	reimbursability of any emergency unemployment
13	compensation paid for a week ending before July 7,
13 14	compensation paid for a week ending before July 7, 2011.
14	2011.
14 15	2011. SEC. 203. EXTENDED BENEFITS PROGRAM TRANSITION
14 15 16 17	2011. SEC. 203. EXTENDED BENEFITS PROGRAM TRANSITION RULES.
14 15 16 17	2011. SEC. 203. EXTENDED BENEFITS PROGRAM TRANSITION RULES. (a) IN GENERAL.—Section 2005 of the Assistance for
14 15 16 17	2011. SEC. 203. EXTENDED BENEFITS PROGRAM TRANSITION RULES. (a) IN GENERAL.—Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as
114 115 116 117 118	2011. SEC. 203. EXTENDED BENEFITS PROGRAM TRANSITION RULES. (a) IN GENERAL.—Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note),
14 15 16 17 18 19 20	2011. SEC. 203. EXTENDED BENEFITS PROGRAM TRANSITION RULES. (a) IN GENERAL.—Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note), is amended—
14 15 16 17 18 19 20 21	2011. SEC. 203. EXTENDED BENEFITS PROGRAM TRANSITION RULES. (a) IN GENERAL.—Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note), is amended— (1) in subsection (a), by striking "January 4,
14 15 16 17 18 19 20 21	2011. SEC. 203. EXTENDED BENEFITS PROGRAM TRANSITION RULES. (a) IN GENERAL.—Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note), is amended— (1) in subsection (a), by striking "January 4, 2012" and inserting "July 6, 2011";

1	(3) by striking subsection (c).
2	(b) Termination of Provisions Relating to
3	TEMPORARY MODIFICATION OF EXTENDED BENEFIT IN-
4	DICATORS.—Section 203 of the Federal-State Extended
5	Unemployment Compensation Act of 1970, as amended by
6	section 502 of the Tax Relief, Unemployment Insurance
7	Reauthorization, and Job Creation Act of 2010 (Public
8	Law 111-312; 124 Stat. 3307), is amended—
9	(1) in subsection (d) (in the next to last sen-
10	tence), by striking "December 31, 2011" and insert-
11	ing "June 30, 2011"; and
12	(2) in subsection (f)(2), by striking "December
13	31, 2011" and inserting "June 30, 2011".
14	(c) SAVINGS PROVISION.—In the case of any State
15	law which, as of the date of enactment of this Act, has
16	been amended in conformance with the amendments made
17	by subsection (a) or (b) of section 502 of the Tax Relief,
18	Unemployment Insurance Reauthorization, and Job Cre-
19	ation Act of 2010 (Public Law 111-312; 124 Stat. 3307),
20	the amendment made by subsection (a)(1) shall be dis-
21	regarded for purposes of any provision of such State law
22	which provides for a State "off" indicator or which other-
23	wise provides for the termination of an extended benefit
24	period by reason of the cessation of full Federal funding

- 1 of sharable extended compensation or sharable regular
- 2 compensation.
- 3 SEC. 204. EMERGENCY DESIGNATION.
- 4 The budgetary effects of this Act are designated as
- 5 an emergency requirement and necessary to meet emer-
- 6 gency needs pursuant to section 4(g) of the Statutory Pay-
- 7 As-You-Go Act of 2010.

